

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

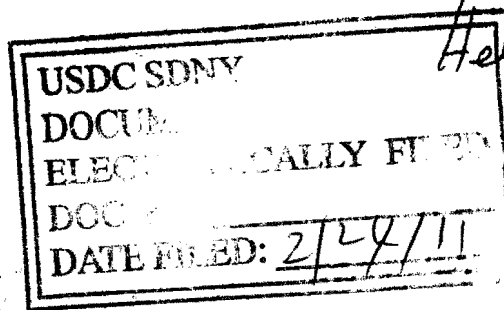
THE MOUNT SINAI HOSPITAL,

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.



Case No. 10-cv-05937-AKH

STIPULATION AND ORDER
OF DISMISSAL

IT IS STIPULATED AND AGREED, by and between plaintiff, The Mount Sinai Hospital ("Plaintiff"), and defendant, the United States of America ("Defendant"), and pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), that in light of the January 11, 2011 decision by the United States Supreme Court in *Mayo Foundation for Education & Research, et al., v. United States* (09-837), Plaintiff's claims against Defendant in this action are hereby withdrawn and dismissed without prejudice.

It is further STIPULATED AND AGREED, by and between Plaintiff and Defendant, that each party is to bear its own fees and costs.

Dated: February 22, 2011

PREET BHARARA
United States Attorney for the Southern
District of New York

By: /s/ Mark H. Churchill

By: /s/ Carolina A. Fornos

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Attorneys for The Mount Sinai Hospital

SO ORDERED:



HON. ALVIN K. HELLERSTEIN

BC

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of February, 2011, I caused to be electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/ Mark H. Churchill

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